

Fire and Police Commission

La Keisha W. Butler Executive Director Marisabel Cabrera

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Nelson Soler Vice-Chair

Ann Wilson Steven M. DeVougas Fred Crouther Angela McKenzle Commissioners

Memorandum

To:

La Keisha W. Butler, Executive Director

Clifton Crump, Operations Manager

Marisabel Cabrera, Chair

From:

Dave Geiting, Research and Policy Analyst

Date:

9/27/2018

RE:

MPD Policy Review

Number - Title:

SOP 255 – Public Video Surveillance Cameras General Order 2018-32

Proposed Implementation Date:

October 3, 2018

Recommendation of Research & Policy Analyst:

Administratively Approve by Chair and Executive Direction	ctor
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Place on a Regular Meeting Agenda
Meeting Date: October 4, 2018

☐ Administratively Deny by Chair and Executive Director

Rationale:

Notes:

This proposed SOP governs the utilization of the network of public-area video cameras operated by the MPD, often referred to as "pole cameras". The use of the phrase pole camera in this context should not be confused with what are sometimes referred to as "tactical pole cameras": portable cameras attached to a telescoping pole which can provide a safer method for observing dangerous scenes. As it relates to this SOP, pole cameras are permanently installed video cameras strategically placed in public areas throughout the city, providing live and recorded video feeds to the department.

The department has been utilizing a public video camera monitoring system since at least 2008, when that year's MPD Annual Report highlighted the 18 public surveillance pole cameras in use at the time. The utilization of the system was highlighted as a part of a suite of technology upgrades initiated by then-Chief Flynn.



As of July, 2018 the MPD has a network of 87 surveillance cameras covering 57 locations. The department's capacity was significantly expanded through the installation of 45 cameras under the Office of Justice Programs' FY 15 "Optimizing the Use of Video Technology to Improve Criminal Justice Outcomes" grant. The current suite of cameras includes 52 pan, tilt, zoom (PTZ) cameras with zoom capabilities of up to 1200 feet, 25 panoramic cameras with a high-definition 180 degree view, one veryhigh-definition fixed bullet camera, and 9 fixed Automated License Plate Reader (ALPR) cameras.

Currently the only SOP which discusses the use of this system is <u>SOP 250 – Communications</u>, in Section 250.115. This proposed SOP is a newly created document that considerably expands on the guidance provided in 250.115.

The proposed SOP begins by iterating the fact that surveillance of public areas does not require a warrant or court order and that the policy aims to protect individuals' privacy rights in accordance with MPD core values, best practices, and applicable state and federal laws.

255.05 CAMERA SURVEILLANCE AUTHORITY

Section 255.05 details the departmental units with authority over the system. The current language in SOP 250 states that the camera operators are within the Technical Communications Division (TCD), with the districts sharing the ability to control, manipulate, and monitor the cameras. The proposed SOP concentrates the control of the system to the Fusion Division in collaboration with the TCD. Under the proposed SOP the respective district commanders are expected to provide input and recommendations regarding the utilization of the system but should not themselves control or manipulate cameras.

255.10 VIRTUAL PATROL MONITORING

Section 255.10 details the situations in which the system will be utilized. SOP 250 does not provide this guidance except as it relates to the initial placement of cameras. The proposed SOP emphasizes in Section 255.10A that the decision to monitor video surveillance of particular individuals must not be based on the individuals' age, race, gender, religion, sexual orientation, disability, or other protected classification. The proposed SOP then details aspects of the department's anti-crime strategy which the system's utilization will support:

- Actionable intelligence supporting members in the field responding to crimes or calls for service
- Coordinated surveillance upon ShotSpotter activation
- Virtual patrols of public areas
- Dissemination of video to support crime investigations
- Coordinated surveillance upon Automated License Plate Reader (ALPR) alerts

255.15 VIRTUAL OPERATIONS

Section 255.15 details the roles and responsibilities of camera operators. SOP 250 simply states that camera operators will largely operate within the TCD and should notify an emergency communications operator of any urgent observations. The proposed SOP provides greater detail in Section 255.15:

- Employees assigned to monitor surveillance cameras in the Fusion Center will receive technical training on the system as well as training on the law and policies governing the system's use.
- Operators will monitor radio traffic, the Computer Aided Dispatch (CAD) system, the ShotSpotter system and the ALPR system in order to identify needs for video surveillance of criminal incidents.



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- Aside from any priority camera feeds, operators should cycle through the available feeds in order to provide a virtual police presence and determine if there is any activity that may need to be addressed.
- Operators will be trained in CAD entry and will enter calls for service and update active calls with information as needed when observed.

255.20 RETENTION

Section 255.20 mandates that recordings created by this system will not be altered or tampered. Duplications of recorded video will be made only to support investigations or prosecutions or in response to public records requests. Recordings are retained a minimum of 120 days unless a recording is being used as evidence in a criminal investigation or case. This is similar to the 130 day recording retention for uncategorized body worn camera (BWC) video mandated in SOP 747.

255.25 VIDEO SURVEILLANCE REQUEST

Section 255.25 details the process for department members and the public to obtain copies of videos recorded using this system. Department members submit form PV-11E to the Fusion Center to request video, and members of the public contact the Open Records Division, whom will coordinate with the Fusion Center to provide copies of video in accordance with the Wisconsin Public Record Law (Wis. Stat. § 19.31-39).

255.30 MPD CRIME SCENE RESPONDERS

Section 255.30 instructs members whom respond to crime scenes to notify camera operators during situations in which a camera is within the geographic area of the incident so that evidentiary video can be reviewed. Both the member and the camera operator will document whether relevant video evidence is available.

255.35 SURVEILLANCE CAMERA OPERATORS

Section 255.35 details a number of requirements of camera operators, including:

- The duty to notify supervisors of video of evidentiary value
- The use of unique system login and radio code identification
- A reiteration of the prohibition of targeting individuals solely because of their membership in a protected class
- The file locations to store and access information and records
- The duty to perform daily checks of the system's operational status and report technical problems
- · The duty to document and disseminate operationally useful still images
- The duty to keep supervisors apprised of real-time observations made of crime scenes

Analysis

The main significant change that adoption of the proposed SOP will result in is the movement of the management and operation of the system from the TCD/Districts to the Fusion Center. This change is a different course of action than the direction under the former administration; the previous plan was to continue management of the system in TCD. After an <u>assessment of Milwaukee's Public Safety Communications Center (PSCC) by the US Department of Homeland Security Office of Emergency Communication</u>, the assessors recommended that the city "consider removing services unrelated to the primary PSCC function" from the TCD. Moving the system from TCD to the Fusion Center fulfills this recommendation, and especially considering the expanding size of the system and the integration of



video feed monitoring with the ShotSpotter and ALPR systems the Fusion Center seems to be a logical department to place the system into.

Beyond that, the proposed SOP fills a needed gap in the documentation of MPD procedures and provides a sufficiently detailed procedure for the management and operation of the video camera surveillance system. Potential discussion topics relating to the system could be:

- Which position classifications will be assigned to be camera operators, and does the Fusion Center have sufficient flexibility in their assigned staffing that active camera monitoring can "flex" along with demand?
- Is there any potential expansion that could involve networking privately owned cameras, on businesses for example, into the system?
- Section 255.05B outlines some logical general criteria that should guide District Commanders when suggesting locations for camera placement.
 - o Which position within the MPD has the final say regarding camera placement?
 - What processes will the MPD utilize to insulate against using political considerations when determining future camera placement?
 - There must be many residents whom would love to have a camera located on their block and whom would lobby their representative to advocate for that. But as a whole our City should place the cameras at locations of greatest potential operational effectiveness.
 - Taking that into consideration, could there be an opportunity for neighborhood groups to fund cameras to be placed at locations of their own choosing, while still networking them into the MPD system?
- Surveillance cameras can be beneficial in different ways depending on if the public is aware of their presence or if the public is not. Does the department have any cameras locations prominently marked to make the public aware and deter crime?
- Is grant funding the main option for further system expansion? Are there any potential grants on the horizon to apply for?
- How does the utilization of this system fit into the overall strategic direction of the department?

Because this is a newly proposed SOP, <u>FPC Rule IV Section 3</u> requires that the item be placed on the Board's regular agenda.

MPD's description of the revisions to the SOP:

The purpose of this newly created SOP is to provide general procedures for integrating the best practices of safety and security through the use of a department video surveillance system. The surveillance of public areas does not require a warrant or court order allowing for monitoring of public areas to be utilized as part of the department's crime reduction strategy which includes a deterrence of crime, to generate evidence to help identify suspects and witnesses, and to alert police to dangerous situations while fostering the perception of safety and the encouragement of people to utilize public areas.





Fire and Police Commission

La Keisha W. Butler Executive Director Marisabel Cabrera Chair Nelson Soler Vice-Chair Ann Wilson Steven M. DeVougas Fred Crouther Angela McKenzie

Memorandum

To:

Director Regina Howard, MPD Office of Management and Planning

CC:

Sergeant Mark Krowski

Dave Gelting, Research and Policy Analyst

Marisabel Cabrera, Chair

From:

Director La Keisha W. Butler, Fire and Police Commission

Date:

10/12/18

RE:

Policy Review: SOP 255 - Public Video Surveillance Cameras

General Order 2018-32

The Fire and Police Commission has completed our review of the above referenced department policy/procedure/instruction per FPC Rule IV, Section 3. The FPC Chair and Executive Director have determined that the above referenced department policy/procedure/instruction:

(()	is administratively	ap	proved.

Will be placed on the Regular FPC Meeting Agenda. Meeting Date: 11/1/18

() Is administratively denied.

If this policy will be placed on a regular FPC meeting agenda please provide our office with a suitably redacted version of the relevant documents for public distribution. Please contact our office if you have any questions.

Thank you,

La Keisha W. Digitally signed by La Keisha W. Butler
Butler
Date: 2018-10-12

La Keisha W. Butler, Executive Director





MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

255 - PUBLIC VIDEO SURVEILLANCE CAMERAS

GENERAL ORDER: 2018-32 ISSUED: October 3, 2018

EFFECTIVE: October 3, 2018

REVIEW/APPROVED BY: Director Regina Howard DATE: September 10, 2018

ACTION: Creates SOP

WILEAG STANDARD(S): NONE

255.00 PURPOSE

The purpose of this standard operating procedure is to provide general procedures for integrating the best practices of safety and security through the use of a department video surveillance system. The surveillance of public areas does not require a warrant or court order allowing for monitoring of public areas to be utilized as part of the department's crime reduction strategy which includes a deterrence of crime, to generate evidence to help identify suspects and witnesses, and to alert police to dangerous situations while fostering the perception of safety and the encouragement of people to utilize public areas.

This policy ensures the protection of an individual's privacy rights in accordance with the Milwaukee Police Department's (MPD) core values, industry best practices, and state and federal laws. It is adopted to formalize procedures for the authority of surveillance equipment and the handling, viewing, retention, dissemination, and destruction of video surveillance records. The existence of this procedure does not imply or guarantee that cameras will be monitored in real time 24 hours a day, seven days a week.

255.05 CAMERA SURVEILLANCE AUTHORITY

- A. The MPD Technical Communications Division (TCD) in collaboration with the Fusion Division has the authority to select, coordinate, operate, manage and monitor all video surveillance systems pursuant to this policy.
- B. Respective district commanders are expected to provide input and recommend geographical locations for pole camera placement based on the following criteria:
 - 1. Violent crime, drug activity, and/or general disorder.
 - 2. Areas commanding officers feel would be beneficial to their crime reduction strategy.
- C. District personnel should not control or manipulate any camera utilizing previous software versions previously distributed to the districts. Requests should be made in writing through the Fusion Division for the observation of a specific area. The request should include the area to be observed along with a beginning and ending time frame. The Fusion Division will make every effort to accommodate the request; however, the Fusion Division has the authority to utilize requested surveillance for higher priority needs which may be received.

255.10 VIRTUAL PATROL MONITORING

- A. The monitoring of video surveillance systems will be conducted in a manner consistent with department policies and procedures, state and federal laws, and will not be based on the individuals' age, race, gender, religion, sexual orientation, disability, or other protected classification.
- B. The use of video surveillance technology can provide members with an invaluable instrument to increase their safety and enhance criminal prosecution by providing powerful evidence of criminal activity. The department will implement video surveillance technology as part of its anti-crime strategy to:
 - Immediately check surveillance camera locations to provide actionable intelligence to responding police members, including but not limited to, suspect or scene information, historical information, and relevant crime pattern information.
 - 2. Provide actionable intelligence, with the coordination of ShotSpotter and surveillance cameras, in strategic areas experiencing high volumes of ShotSpotter detection activity.
 - 3. Conduct virtual patrol of public areas (e.g., bus stops, parking lots/garages, public streets, shopping areas, gas stations, convenience stores).
 - 4. Disseminate video recorded information for investigative purposes related to crimes (e.g., homicide, robbery).
 - 5. Provide actionable intelligence when receiving an Automated License Plate Reader (ALPR) alert including vehicle location and direction with the coordination of ALPR and surveillance cameras.

255.15 VIRTUAL OPERATIONS

- A. Surveillance camera operators shall be responsible for the monitoring of MPD video surveillance cameras to utilize in detection, prevention, and investigation of criminal incidents; potential civil unrest; and other functions deemed as necessary by the department.
- B. All employees assigned to monitor the Fusion Division surveillance cameras shall receive training on the department's public video surveillance cameras and law and policies governing the use of public surveillance.
- C. Surveillance camera operators shall attempt to identify video surveillance evidence of a criminal incident (if there is a pole camera within the geographical area of the incident) by monitoring radio traffic, the Computer Aided Dispatch System, ShotSpotter and the ALPR system.
- D. Surveillance camera operators shall utilize the Maverick Map to visually identify the call for service on the map.

- E. Surveillance camera operators shall continuously cycle through available camera feeds, aside from their priority camera feeds providing a "virtual police presence" to determine if there is activity that may need to be addressed and determine the appropriate response (e.g., dispatch a call for service, district notification).
- F. Surveillance camera operators shall be trained in the basic functions of CAD entry and will enter calls for service and update active calls with information as needed when observed.

255.20 RETENTION

- A. Video surveillance recordings shall not be altered, tampered, re-recorded and/or duplicated for any other purpose than that of investigative or prosecutorial support, or in accordance with a public records request (see SOP 255.25(D)).
- B. The digital evidence shall be retained for a minimum of 120 days and/or until the evidence disposition on a criminal investigation and/or case authorizes destruction.

255.25 VIDEO SURVEILLANCE REQUEST

- A. A department member requesting a copy of pole camera video shall complete a *Public Surveillance Video File Request Form* (PV-11E) and forward it to the Fusion Division via ifc@milwaukee.gov.
- B. Pole camera video requests shall be processed by the Fusion Division surveillance camera operators and retained at the Fusion Division until the requesting member, or their designee, can personally retrieve the disc and sign for its release.
 - Note: The video files requested will be provided to the department member in both .mp4/.avi and g64x formats to ensure both audio and video can be viewed properly.
- C. Surveillance camera operators shall record video surveillance requests in the Fusion Division log located on the shared Fusion Division N: drive.
- D. Public record requests for video surveillance shall be made in accordance with the Wisconsin Public Record Law (Wis. Stat. § 19.31-39).
 - 1. The Open Records Division will forward approved requests to the Fusion Division to have any recording copied and returned to the Open Records Division for dissemination.
 - 2. The Fusion Division shall review the request and notify the Open Records Division if the request is related to an on-going investigation. If the request is related to an on-going investigation, the Fusion Division shall provide the Open Records Division with a point of contact to determine when the investigation is no longer ongoing and the public record request can proceed.

255.30 MPD CRIME SCENE RESPONDERS

- A. If there is a pole camera within the geographical area of an incident, department members responding to the scene shall make notification to the surveillance camera operators (extension 1200) as soon as relevant information is available so evidentiary video surveillance can be reviewed.
- B. Department members and surveillance camera operators shall document in their report(s) whether or not video footage of an incident is available.

255.35 SURVEILLANCE CAMERA OPERATORS

- A. Surveillance camera operators are responsible for providing timely and actionable information and intelligence regarding crime incidents, including crime trends in the city of Milwaukee. Camera operators should notify the on duty Fusion Division supervisor as soon as practicable when video of evidentiary value, civil unrest or a crime trend is identified and recorded.
- B. Surveillance camera operators shall utilize their radio code and login with the geographic area dispatcher(s) for which they will be monitoring during their tour of duty. The sharing of passwords is prohibited. Operators are to log off completely upon the completion of their tour of duty.
- C. Surveillance camera operators shall not target/observe individuals solely because of their race, gender, sexual orientation, disability or other classifications protected by law.
- D. Surveillance camera operators shall record within the Fusion Division log, located on the shared Fusion Division N: drive, all automatic ShotSpotter (SST) Hits PTZ Orientation and ALPR Hits (stolen / wanted vehicles) calls in which potential video evidence or surveillance exists.
- E. Surveillance camera operators shall conduct a daily check of all camera feeds at the beginning of their tour of duty. Surveillance camera operators shall notify Fusion Division supervision of any camera feeds which are non-operational and/or have reported operational problems. The pole camera operators shall make email notification to the vendor (with supervisory approval), CelPlan at wi4netsupport@celplan.com, document in the Fusion Division SharePoint Pole Camera log, and follow-up with the vendor regarding resolution and a tentative date of problem resolution.
- F. Surveillance camera operators shall disseminate known still images captured from relevant video surveillance to authorized law enforcement personnel as necessary for real time, actionable intelligence at a crime scene investigation. This must be documented in the Fusion Division log located on the shared Fusion Division N: drive to include receiver and sender of still images.
- G. Surveillance camera operators, when providing real time information and/or actionable intelligence for a crime scene, shall keep their supervisor apprised of all

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PUBLIC VIDEO SURVEILLANCE CAMERAS

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circumstances regarding the incident.

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MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

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General Order 2018-32

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ALFONSO MORALES CHIEF OF POLICE

AM:mfk